



01039.002500.1

PATENT APPLICATION

JUL 13 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2900

In re Application of:)
:)
THERESA WHITE ET AL.) Examiner: R.A. Wax
:)
Appln. No.: 09/392,476)
:) Group Art Unit: 1653
Filed: September 9, 1999)
:)
For: **ENHANCED EXPRESSION OF PROTEINS**) July 6, 2004
IN GENETICALLY MODIFIED FUNGI)

TERMINAL DISCLAIMER

Sir:

Your petitioner, IOGEN CORPORATION, a Canada Federal Corporation, having a place of business at 400 Hunt Club Road, Ottawa, Ontario, Canada K1V 1C1, is the assignee of the full title and interest in and to the above-identified application, as evidenced by an Assignment dated October 20, 1999 that was recorded on October 29, 1999, at Reel/Frame 010350/0839, and also is the assignee of the full title and interest in and to Patent No. 6,015,703 as filed March 10, 1998, as evidenced by an Assignment dated March 6 and 7, 1998 that was recorded on March 10, 1998, at Reel/Frame 9044/0219. Your petitioner hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of Patent No. 6,015,703, as presently shortened by any terminal disclaimer, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to Patent No. 6,015,703, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

07/09/2004 WASFAW1 00000082 09392476

02 FC:2814

55.00 0P

Your petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of Patent No. 6,015,703, as presently shortened by any terminal disclaimer, in the event that subsequent hereto Patent No. 6,015,703 expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is the subject of any disclaimer under 37 C.F.R. 1.321(a), has all claims cancelled by a reexamination certificate or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned, Warren E. Olsen, is attorney of record and specifically has been empowered to act on behalf of the petitioner.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,


Warren E. Olsen (Reg. No. 27,290)

Attachment: Terminal Disclaimer
\$55.00 Check

FITZPATRICK, CELLA, HARPER & SCINTO
Customer No.: 05514
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200